

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF
CALIFORNIA**

Order Instituting Rulemaking to Continue Implementation and Administration, and Consider Further Development, of California Renewables Portfolio Standard Program.	Rulemaking 15-02-020 (Filed February 26, 2015)
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**DECISION ON INTERVENOR COMPENSATION CLAIM OF THE UTILITY
REFORM NETWORK**

Intervenor: The Utility Reform Network	For contribution to Decision (D.) 16-12-040, D. 17-06-026, and D. 18-05-026
Claimed: \$ 19,919.90	Awarded: \$ 19,484.90
Assigned Commissioner: Clifford Rechtschaffen	Assigned ALJ: Nilgun Atamturk, Sarah R. Thomas

PART I: PROCEDURAL ISSUES

(Completed by Intervenor except where indicated)

A. Brief description of Decision:	<p><u>D.16-12-040</u> This decision implements the new compliance periods and procurement quantity requirements for the California renewables portfolio standard (RPS) program for years beginning in 2021 that are set by Senate Bill 350.</p> <p><u>D.17-06-026</u> This decision implements new compliance requirements for the California renewables portfolio standard (RPS) program in response to changes made by Senate Bill 350. This decision adopts new rules for use of long-term contracts in RPS compliance and for applying excess procurement in one compliance period to later compliance periods.</p> <p><u>D.18-05-026</u> This decision implements enforcement rules for the California renewables portfolio standard (RPS) program in response to changes made by Senate Bill 350. The decision maintains the existing RPS penalty scheme, integrates changes made by SB 350 into the current RPS waiver scheme, and denies the August 2, 2017 Petition of Shell Energy for Modification of D.17-06-026.</p>
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	April 16, 2015	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	May 13, 2015	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R.14-05-001	
6. Date of ALJ ruling:	September 4, 2014	September 5, 2014
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.14-05-001	Verified
10. Date of ALJ ruling:	September 4, 2014	September 5, 2014
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.18-05-026	Verified
14. Date of issuance of Final Order or Decision:	June 6, 2018	Verified
15. File date of compensation request:	August 3, 2018	Verified
16. Was the request for compensation timely?		Yes

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

C. Additional Comments on Part I: (use line reference # as appropriate)

#	Intervenor's Comment(s)	CPUC Discussion

PART II: SUBSTANTIAL CONTRIBUTION
(Completed by Intervenor except where indicated)

A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s) ²	CPUC Discussion
1. PROCUREMENT TARGETS <p>The Utility Reform Network (TURN) urged the Commission to interpret the requirements of SB 350 as continuing the 'linear trend' approach to establish multi-year procurement targets and to reject the proposal of AREM for a 'stair-step' approach.</p> <p>The Decision agrees to continue the existing linear trend approach to calculating multi-year procurement quantity requirements for the post-2020 compliance periods. Citing the comments of TURN/CUE, the Decision rejects AREM's proposal to switch to a 'stair-step' approach.</p>	<p><u>TURN/Coalition of California Utility Employees (CUE) joint opening comments, May 5, 2016, page 2.</u></p> <p><u>TURN/CUE joint reply comments, May 16, 2016, pages 1-2.</u></p> <p><u>D.16-12-040, page 8.</u></p>	Verified
2. LONG-TERM CONTRACT REQUIREMENTS <p>TURN/CUE urged the Commission to allow all long-term contracts, regardless of the date they were initially executed, to count towards the post-2020 65% requirement in §399.15(b)(2)(B). The Commission agreed and held that it would not be reasonable to exclude long-term contracts executed prior to 2021 from eligibility to comply with the 65% requirement.</p>	<p><u>TURN/CUE joint opening comments, May 5, 2016, pages 2-3.</u></p> <p><u>TURN/CUE joint reply comments, May 16, 2016, pages 4-5.</u></p>	Verified

² In all of references in this claim to TURN/Coalition of Utility Employees joint opening comment of May 5, 2016, the correct filing date for the comments is May 26, 2016.

<p>TURN supported CMUA’s proposal to allow “repackaged” long-term contracts consistent with the requirements of D.12-06-048. The Commission found CMUA’s proposal for “repackaged” long-term contracts to be reasonable.</p> <p>TURN urged the Commission to reject the Shell/Commerce proposal to allow an “ownership agreement” of any duration to satisfy the long-term contracting requirements. The Commission rejected the Shell/Commerce proposal, stating “as TURN/CUE point out, this assertion is not consistent with the logic of the new provisions.”</p>	<p><u>D.17-06-026, page 17</u></p> <p><u>TURN/CUE joint reply comments, May 16, 2016, pages 4-5.</u></p> <p><u>D.17-06-026, pages 17, 21-22</u></p> <p><u>TURN/CUE joint reply comments, May 16, 2016, pages 3-4.</u></p> <p><u>D.17-06-026, pages 22-23</u></p>	
<p>3. EXCESS PROCUREMENT</p> <p>TURN urged the Commission to allow excess PCC1 procurement contracts of any duration to be eligible as excess procurement and to prevent any PCC2 or PCC3 RECs from being counted as excess procurement. The Commission agreed that all excess PCC1 procurement may be counted as excess and no PCC2 or PCC3 procurement may count as excess.</p> <p>TURN proposed that retail sellers seeking to elect early compliance with the requirements of §399.13(b) be required to do so up-front as part of their RPS procurement plans. TURN proposed that any early election under this section be binding upon the retail seller. The Commission agreed that election should happen up-front and decided to require such submissions within 60 days of the effective date of the decision with inclusion in updates to the 2017 RPS plans. The Commission agreed with TURN that the election of early compliance is an “irrevocable commitment”.</p>	<p><u>TURN/CUE joint opening comments, May 5, 2016, pages 4-5.</u></p> <p><u>D.17-06-026, pages 25-26, 28-30.</u></p> <p><u>TURN/CUE joint opening comments, May 5, 2016, pages 5-6.</u></p> <p><u>D.17-06-026, page 32.</u></p>	<p>Verified</p>

<p>4. PENALTIES</p> <p>TURN urged the Commission to continue the current noncompliance penalty of \$50/MWh without modification and explained that SB 350 did not require any material changes. TURN strongly opposed proposals by CMUA, AReM and UC Regents to lower the penalty amounts or create separate penalties for noncompliance with long-term contracting requirements. The Commission agreed with TURN by maintaining the existing penalty amounts and rejecting proposals to lower the overall penalty or adopt separate lower penalties for different procurement deficiencies.</p>	<p><u>TURN/CUE joint opening comments, February 1, 2018, pages 1-6</u></p> <p><u>TURN/CUE joint reply comments, February 12, 2018, pages 2-5.</u></p> <p><u>D.18-05-026, pages 8-11.</u></p>	Verified
<p>5. WAIVERS</p> <p>TURN urged the Commission to require that any retail seller submitting a waiver request pursuant to §399.15(b)(5)(D) be required to demonstrate that unanticipated increases in actual sales due to transportation electrification exceeded a sales forecast previously submitted as part of their procurement plans filed with state agencies.</p> <p>The Commission agreed with TURN and found that all retail sellers seeking a waiver under this section must demonstrate that transportation electrification was quantitatively accounted for in their RPS plans.</p>	<p><u>TURN/CUE joint opening comments, February 1, 2018, pages 6-7, 9-10</u></p> <p><u>D.18-05-026, page 22</u></p>	Verified
<p>6. SHELL PETITION FOR MODIFICATION</p> <p>TURN urged the Commission to deny Shell's Petition to Modify D.17-06-026 seeking to permit both a customer's long-term contracts and short-term "repackaged" contracts to count towards the retail seller's long-term contract requirements under §399.13(b). TURN argued that such changes were not permitted as a matter of law and were fully litigated in D.17-06-026.</p>	<p><u>TURN/CUE joint response to the Petition for Modification of D.17-06-026 by Shell Energy, August 22, 2017, pages 2-6.</u></p>	Verified

The Commission denied the PFM and found that the issues raised by Shell were already considered in D.17-06-026.	<u>D.18-05-026, pages 25-27.</u>	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?³	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
c. If so, provide name of other parties: Green Power Institute, Independent Energy Producers Association		Verified
d. Intervenor's claim of non-duplication: <p>TURN provided unique positions and contributions that did not duplicate work performed by other parties. TURN also worked extensively with the Coalition of California Utility Employees (CUE) on joint filings in this proceeding to reduce duplication in light of the alignment of positions between these two parties. TURN also coordinated with the three major IOUs and CUE on a stipulation regarding the changes to the excess procurement rules in SB 350 (See PG&E opening comments, May 5, 2016, Attachment B).</p> <p>Given that TURN's showing was unique, and in light of the fact that the Commission relied on TURN's analysis in reaching a number of key findings and conclusions, the Commission should conclude that no reductions in compensation are warranted based on duplication of effort.</p>		Noted

C. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion

³ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

PART III: REASONABLENESS OF REQUESTED COMPENSATION
(Completed by Intervenor except where indicated)

A. General Claim of Reasonableness (§ 1801 and § 1806):

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>As demonstrated in the substantial contribution section, TURN prevailed on a number of issues in three separate decisions. Since the rulemaking did not address specific requests for cost recovery by Investor Owned Utilities, none of the decisions identified in this request include authorization to recover any particular revenue requirements. Therefore, it is not possible to calculate a precise amount of ratepayer savings that will be realized through TURN’s involvement.</p> <p>Meeting the enhanced California RPS program targets authorized under SB 350 requires significant procurement commitments by the IOUs, Community Choice Aggregators and Electric Service Providers. TURN’s involvement was focused on the following objectives:</p> <ul style="list-style-type: none"> • ensuring strong renewable energy procurement obligations that provide meaningful benefits to ratepayers and the state of California. • adopting strong RPS compliance rules and penalty provisions to ensure that all retail sellers meet California’s aggressive renewable energy targets. • promoting the central role of long-term contracting in the RPS program. <p>Given the magnitude of costs at stake under the RPS programs, the benefits produced by TURN’s substantial contributions far exceed (by orders of magnitude) the small cost of TURN’s participation in the proceeding. TURN’s claim should therefore be found to be reasonable.</p>	<p>The claimed costs for TURN’s participation are reasonable.</p>
<p>b. Reasonableness of hours claimed:</p> <p>Given TURN’s contributions to the final resolution of contested issues in this proceeding across three separate decisions, the amount of time devoted by its staff is fully reasonable. TURN did not retain any outside consultants to assist with this case and devoted the minimum number of hours to reviewing rulings, drafting pleadings, reading comments submitted by other parties, and evaluating proposed decisions. TURN did not conduct discovery or perform significant amounts of independent research. TURN’s pleadings were highly substantive given the amount of time devoted to the task.</p> <p>The small number of hours devoted to the wide range of issues in this case demonstrates the efficiency of TURN’s attorney. Moreover, the time devoted to each task was reasonable in light of the complexity of the issues presented. Given the</p>	<p>The claimed number of hours for TURN’s work on the proceeding’s substantive issues is reasonable.</p>

<p>level of success achieved by TURN in this proceeding across a range of issues, the amount of time devoted by staff is fully reasonable.</p> <p><u>Reasonableness of Staffing</u></p> <p>TURN devoted one attorney to this proceeding and did not rely on outside consultants for the work related to this request. TURN's lead attorney was Matthew Freedman who served as both an issue and legal expert. TURN also coordinated heavily with the Coalition of California Utility Employees on several pleadings. TURN's decision to coordinate with CUE and not rely on outside consultants reduced the total number of personnel and hours required.</p> <p><u>Compensation Request</u></p> <p>TURN's request also includes 9.75 hours devoted to the preparation of compensation-related filings. Given the fact that this request covers three separate decisions over the course of three calendar years, the time devoted to this compensation request is appropriate and should be found to be reasonable.</p>	
<p>c. Allocation of hours by issue:</p> <p>TURN has allocated all of our attorney time by issue area or activity, as evident on our attached timesheets. The following codes relate to specific substantive issue and activity areas addressed by TURN. TURN also provides an approximate breakdown of the number of hours spent on each task and the percentage of total hours devoted to each category.</p> <p>GP – 14 hours – 33% of total</p> <p>General Participation work essential to participation that typically spans multiple issues and/or would not vary with the number of issues that TURN addresses. This includes reviewing the initial applications and Commission rulings, initial review of utility filings and motions, reviewing pleadings submitted by other parties and review of proposed decisions. TURN also includes several hours in this category devoted to attending CPUC workshops.</p> <p>PROCUREMENT TARGETS – 1.6 hours – 4% of total</p> <p>Work on the methodology for establishing post-2020 RPS Procurement Targets Plans pursuant to SB 350 and resolved in D.16-12-040.</p> <p>LT CONTRACT – 3 hours –7% of total</p> <p>Work relating to the implementation of SB 350 requirements for long-term contracting resolved in D.17-06-026</p> <p>EXCESS PROCUREMENT – 3.5 hours –7% of total</p> <p>Work relating to the implementation of SB 350 provisions altering the treatment of excess procurement resolved in D.17-06-026</p> <p>PENALTIES – 6 hours – 14% of total</p> <p>Work relating to the implementation of SB 350 provisions relating to noncompliance penalties resolved in D.18-05-026.</p>	<p>The allocation of hours by the proceeding's substantive issues is reasonable.</p>

WAIVERS – 6 hours – 14% of total

Work relating to the implementation of SB 350 provisions relating to compliance waivers resolved in D.18-05-026.

Shell PFM – 5 hours – 12% of total

Work responding to Shell Energy's Petition to Modify D.17-06-026 that was denied in D.18-05-026.

COMP – 8 hours

Work preparing TURN's notice of intent to claim compensation and the final request for compensation.

Hours that were multi-issue in nature were coded as follows

“#” is allocated 40% to LTCONTRACT, 40% to EXPROCURE and 20% to PROCTARGETS.

“%” is allocated 50% to PENALTIES, 50% to WAIVER

TURN submits that under the circumstances this information should suffice to address the allocation requirement under the Commission's rules. Should the Commission wish to see additional or different information on this point, TURN requests that the Commission so inform TURN and provide a reasonable opportunity for TURN to supplement this showing accordingly.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Matthew Freedman	2015	10	410	D.16-06-024	4,100.00	10.00	410	4,100.00
Matthew Freedman	2016	13.25	415	D.16-06-024	5,498.75	13.25	415	5,498.75
Matthew Freedman	2017	7	425	D.18-01-017	2,975.00	7.00	425	2,975.00
Matthew Freedman	2018	12	435	D.18-04-020	5,220.00	12.00	435	5,220.00
Subtotal: \$17,793.75						Subtotal: \$17,793.75		

OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
<i>Subtotal: \$</i>						<i>Subtotal: \$</i>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Matthew Freedman	2015	0.75	205	D.16-06-024(@ 50% of \$410)	153.75	0.75	\$205	153.75
Matthew Freedman	2018	9	217.50	D.18-04-020	1,957.50	7.00	\$217.50	1,522.50
<i>Subtotal: \$2,111.25</i>						<i>Subtotal: \$1,676.25</i>		
COSTS								
#	Item	Detail			Amount	Amount		
1.	Copies	Copies for pleadings, exhibits for hearings			\$7.10	\$7.10		
2.	Postage	Costs of mailing copies of pleadings			\$7.80	\$7.80		
<i>Subtotal: \$14.90</i>						<i>Subtotal: \$14.90</i>		
<i>TOTAL REQUEST: \$19,919.90</i>						<i>TOTAL AWARD: \$19,484.90</i>		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney		Date Admitted to CA BAR ⁴		Member Number		Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation		
Matthew Freedman		March 2001		214812		No		

⁴ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

C. Attachments Documenting Specific Claim and Comments on Part III:
(Intervenor completes; attachments not attached to final Decision)

Attachment or Comment #	Description/Comment
1.	Certificate of Service
2.	Daily Time Records for Attorneys and Experts
3.	Cost/expense details
4.	Hours Allocated by Issue

D. CPUC Comments, Disallowances, and Adjustments (CPUC completes)

Item	Reason
	TURN claims 9.00 hours for preparing the subject intervenor compensation claim. The NOI asserts that the time devoted to this task is reasonable as the request covers three separate decisions over the course of three years. We note these facts, but we also note that the claim involves a modest number of the hours devoted to the substantive issues, only a few formal pleadings filed by TURN, and work of one representative. With this in mind, we find the number of hours claimed for the intervenor compensation request preparation excessive. In addition, requesting for the intervenor compensation document preparation more than 20% of its total hours and significantly more than TURN allocates to any substantive issue of the proceeding appears to be unreasonable. To reflect a more reasonable amount of time for the claim preparation, hours requested for this task are reduced by 2.0.

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))

A. Opposition: Did any party oppose the Claim?	No
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If so:

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to D.16-12-040, D.17-06-026, and D.18-05-026.
2. The requested hourly rates for The Utility Reform Network's representative are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$19,484.90.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Utility Reform Network shall be awarded \$19,484.90.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company ratepayers, Southern California Edison ratepayers, and San Diego Gas & Electric Company ratepayers shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional electric revenues for the 2016 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric revenue data shall be used. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning October 17, 2018, the 75th day after the filing of The Utility Reform Network's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, at Los Angeles, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1612040, D1706026, and D1805026		
Proceeding(s):	R1502020		
Author:	ALJ Atamturk		
Payer(s):	PG&E		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	August 3, 2018	\$19,919.90	\$19,484.90	N/A	Excessive intervenor compensation claim preparation hours

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Matthew	Freedman	Attorney	\$410	2015	\$410
Matthew	Freedman	Attorney	\$415	2016	\$415
Matthew	Freedman	Attorney	\$425	2017	\$425
Matthew	Freedman	Attorney	\$435	2018	\$435

(END OF APPENDIX)